

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOME BOX OFFICE, INC,

Plaintiff,

-against-

JOHN and JANE DOE, Nos. 1 through 6, and
XYZ COMPANY, Nos. 1 through 6,

Defendants.

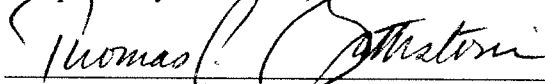
08 CV 6169 (SHS)

**NOTICE OF MOTION FOR LEAVE TO
TAKE IMMEDIATE DISCOVERY**

PLEASE TAKE NOTICE, that upon the accompanying declaration of Thomas Battistoni, Plaintiff Home Box Office, Inc. ("HBO"), will move before this Court in Courtroom 23A at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined, for an Order Granting HBO's Motion for Leave to Take Immediate Discovery and any further relief as the Court deems just and proper.

Dated: New York, New York
August 27, 2008

Respectfully submitted,



Thomas P. Battistoni (TB 8012)

SCHIFF HARDIN LLP

900 Third Avenue, 23rd Floor

New York, NY 10022

(212) 753-5000

Attorneys for Plaintiff Home Office Box, Inc.

To: Comcast, National Engineering and Technical Operations
650 Centerton Road
Moorestown, NJ 08057

Gerard J. Lewis, Jr.
Vice President, Deputy General Counsel & Chief Privacy Officer
Comcast Cable Communications, LLC
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HOME BOX OFFICE, INC.,)	08 CV 6169 (SHS)
)	
Plaintiff,)	
)	
v.)	
)	
JOHN and JANE DOE, Nos. 1 through 6, and)	
XYZ COMPANY, Nos. 1 through 6,)	
)	
Defendants.)	
_____)	

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO TAKE
IMMEDIATE DISCOVERY**

Upon the Plaintiff's Motion for Leave to Take Immediate Discovery and the supporting Memorandum of Law, it is hereby:

ORDERED that Plaintiff may serve immediate discovery on Comcast Cable Communications, LLC ("Comcast") to obtain the identity of each John and Jane Doe Defendant by serving the attached subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure requesting the subscriber's name and address; provided, however, that said discovery shall be conditioned on: (a) Comcast having seven (7) calendar days after service of this Order and subpoena to notify subscribers that their identity is sought by Plaintiff; (b) each subscriber whose identity is sought having twenty one (21) calendar days from the date of such Comcast notice to file any papers contesting the subpoena; and (c) payment to Comcast by Plaintiff of all reasonable costs of: (i) compiling the requested information; (ii) providing pre-disclosure notifications to subscribers; and (iii) all other reasonable costs and fees incurred responding to discovery. Comcast may provide notice using any reasonable means, including but not limited to

written notice sent to the subscriber's last known address, transmitted either by first class mail or via overnight service.

IT IS FURTHER ORDERED THAT any information disclosed to Plaintiff in response to the subpoena issued under Rule 45 of the Federal Rules of Civil Procedure may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights under [nature of claims] as enumerated in the Complaint.

IT IS FURTHER ORDERED THAT any subpoena issued pursuant to this order shall be deemed an appropriate court order under 47 U.S.C. § 551.

IT IS FURTHER ORDERED THAT good faith attempts by Comcast to notify the subscriber(s) shall constitute compliance with this order.

Dated: _____

The Honorable Sidney H. Stein
United States District Judge

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